

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, December 15, 2011.

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, December 15, 2011 at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Mike Bowersox, Robert Fenimore, John Capoccia and Bradford Dyjak. Also present were Michael Chomel, Senior Assistant County Attorney, and Community Development Division staff Larry Smith, Zoning Administrator; Craig Terry, Planner; and Erica Cooke, Recording Secretary.

Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.

The Chair stated the rules and procedures for the hearing.

Approval of Minutes

On a motion from Mr. Bowersox, seconded by Mr. Capoccia, the Board approved the minutes of November 17, 2011 (Yea 4, Nay 0, Abstain 1-Dyjak)

Cases

The Chair swore in all persons who expected to testify at the meeting.

B-11-14 Joseph & Kimberly Brown

An application was filed for a variance of 32 ft. from the required 90 ft. total yard setback to construct a 24' x 21' garage, located on the south side of Foxville Road (4507 Foxville Road), Tax Map 17, Parcel 17. Zoned Resource Conservation (RC).

The Applicant requested a continuance in order to work with Staff regarding alternative placement options for the garage.

On a motion from Mr. Dyjak, seconded by Mr. Fenimore, the Board granted a continuance to the January 26, 2012 hearing. (Yea 5, Nay 0, Abstain 0)

B-11-15 Zigboon, LLC c/o Marijke Torfs

An application was filed for a exception to establish a Country Inn, located on the northwest side of Harbaugh Road (6612 Harbaugh Road) Tax Map 2, Parcel 2. Zoned Agricultural (A)

On a motion from Mr. Bowersox, seconded by Mr. Capoccia, the Board unanimously granted the variance request on the basis of the Applicant having satisfied the requirements set forth in Sections 1-19-3.210 and 1-19-8.333 and that the Applicant is bound by all oral and written testimony, agency comments and exhibits. (Yea 5, Nay 0, Abstain 0)

Break at 7:50 p.m.; The meeting resumed at 8:00 p.m.

B-11-16 Fox Haven- Harriet Crosby c/o J. F. Brown & Associates

An application was filed for a special exception to establish a rustic retreat/camp, located on the north side of Poffenberger Road (3630 Poffenberger Road), Tax Map 84, Parcel 225. Zoned Agricultural (A) and Resource Conservation (RC)

On a motion from Mr. Dyjak, as amended by Mr. Fenimore, seconded by Mr. Bowersox, the Board unanimously granted the special exception request on the basis of the Applicant having satisfied the requirements set forth in Sections 1-19-3.210 and 1-19-8.333. (Yea 5, Nay 0, Abstain 0)

Closing – The Chair announced that the next meeting will be held on January 26, 2012.

Being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Erica Cooke
Recording Secretary

_____/s/
Alan Duke, Chair